

Amendment No. 1 to HB0149

Casada
Signature of Sponsor

AMEND Senate Bill No. 96*

House Bill No. 149

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 71-3-154(k)(2), is amended by deleting subdivision (2) in its entirety and by substituting instead the following:

(2)

(A) Pursuant to the option granted the state by 21 U.S.C. § 862a(d), an individual convicted on or before June 30, 2011 under federal or state law of a felony involving possession, use or distribution of a controlled substance shall be exempt from the prohibition contained in 21 U.S.C. § 862a(a) against eligibility for families first program benefits for such convictions, if such person, as determined by the department:

(i)

(a) Is currently participating in a substance abuse treatment program approved by the department of human services;

(b) Is currently enrolled in a substance abuse treatment program approved by the department of human services, but is subject to a waiting list to receive available treatment, and the individual remains enrolled in the treatment program and enters the treatment program at the first available opportunity;

(c) Has satisfactorily completed a substance abuse treatment program approved by the department of human services; or

(d) Is determined by a treatment provider licensed by the department of mental health not to need substance abuse treatment according to TennCare guidelines; and

(ii) Is complying with, or has already complied with, all obligations imposed by the criminal court, including any substance abuse treatment obligations.

(B) Eligibility based upon the factors in subdivision (k)(2)(A) must be based upon documentary or other evidence satisfactory to the department, and the applicant must meet all other factors of program eligibility, including, specifically, being accountable for the requirements of the personal responsibility plan required by this part.

(C) Notwithstanding the provisions of subdivisions (k)(2)(A) or (k)(2)(B) to the contrary, no person convicted of a Class A felony for violating a provision of title 39, chapter 17, part 4, shall be eligible for the exemptions provided by subdivision (k)(2)(A) or (k)(2)(B).

(D) Pursuant to the option granted the state by 21 U.S.C. § 862a(d), an individual convicted on or after July 1, 2011 under federal or state law of a felony involving possession, use or distribution of a controlled substance shall be exempt from the prohibition contained in 21 U.S.C. § 862a(a) against eligibility for families first program benefits for such convictions, if such person meets the following requirements:

(i)

(a) Requirements contained in subdivisions (k)(2)(A) or (k)(2)(B) and (k)(2)(C)

(b) If treatment was prescribed according to the requirements in subdivisions (k)(2)(A) or (k)(2)(B), successful completion of a substance abuse program must occur within three (3) attempts. If such person does not complete the originally

prescribed treatment program within three (3) attempts, the

individual shall be ineligible for a period of three (3) years.

(E) Pursuant to the option granted the state by 21 U.S.C. § 862a(d), an individual convicted of a second drug felony under federal or state law of a felony involving possession, use or distribution of a controlled substance on or after July 1, 2011 shall not be eligible for families first program benefits for a period of three (3) years from the date of conviction.

SECTION 2. This act shall take effect July 1, 2011, the public welfare requiring it.